

Agenda Item No. 9.1
For Agenda of 8.15.06



Tigard City Council Meeting Minutes

Date: July 18, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>Mayor Dirksen called the Study Session to order at 6:30 p.m.</p> <p>Staff Present: City Manager Prosser, Finance Director Sesnon, Engineer Duenas, Counsel Chuck Corrigan, Community Development Director Coffee, Risk Manager Mills, Assistant Public Works Director Rager, and Right-of-Way Administrator Werner</p> <p>Press: Luciana Lopez from the Oregonian and Barbara Sherman from the Tigard Times</p> <p>City Manager Prosser noted that two items were being brought back from the Budget Committee for Council consideration: 1) Senior Center Remodel and 2) Remodel and Relocate the Public Works Department to the Water Building</p>	
1. Senior Center Remodel and Additions	<p>City Manager Prosser said the Budget Committee direction was to leave the money in the budget but not spend anything on additional architectural work until the status of the Community Development Block Grant is known.</p> <p>Assistant Public Works Director Rager said there would be a Conditional Use Permit required to do the building additions discussed by the committee and Loaves and Fishes. If the CUP process is not</p>	<p>Risk Manager Mills will communicate to the Senior Center Site Committee the Council's reasons for wanting to reconsider a remodel at this time. Councilor Sherwood offered to serve on a committee to help look at options before we go ahead with a project.</p>

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	<p>started until January (when the CDBG's are awarded) the City will be on a tight timeline to get it done. He also noted a mistake in the memorandum attached to the Agenda Item Summary which says the City needs to hire an architect in January. He said it should be corrected to say the City needs to hire an architect now to prepare a CUP application and preliminary drawings.</p> <p>Councilor Sherwood said she wanted to put this off for one year and do an audit to see if meals can be prepared at the Senior Center. She felt the best way to attract users is to cook meals on site rather than just warm day-old meals from Loaves and Fishes. She noted that the Senior Center attendance is very low given the City's population. She toured five different facilities that cook meals on site and said they have much better attendance and offer more flexibility to rental users. She said remodeling just to have a warming kitchen would be waste of money since we may want to remodel it again. She has had several people approach her asking that the City look at cooking meals at the Senior Center.</p> <p>Councilor Sherwood said she also didn't feel the City would get the full \$475,000 CDBG request amount as there is only \$700,000 available for the entire county. Councilor Harding suggested looking at other grant funding sources.</p> <p>Mayor Dirksen asked if there were items that must be done immediately, such as seismic upgrades, or if the building was failing or substandard. Risk Manager Mills said electrical upgrades are part of the proposed remodel package but are not required outside of this remodel plan. She said seismic improvements are required and were going to be included as part of this remodel. They must be completed whether we do this project or not but could be combined with a future remodel project.</p> <p>Mayor Dirksen recommended not spending the money if none of this needs to be done now.</p>	<p>Councilor Woodruff suggested taking these ideas to the Site Committee and asking them to weigh in. Risk Manager Mills will do this and bring their input back to the Council for further discussion.</p>

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<p>2. Discuss Reinstating Funds to Remodel and Relocate the Public Works Department to the Water Building</p>	<p>Assistant Public Works Director Rager discussed the needs of the Public Works staff. He noted that the Executive Summary Councilors have in their packet is a draft. He handed out a revised version to replace it.</p> <p>Mr. Rager said the location of Public Works staff is operationally less than ideal. Some are in the two-story office building with a break room and showers in the lower level. Some work in an old house known as the Public Works Annex which is located on the corner of Ash and Burnham Streets.</p> <p>He said the Water Building is currently underutilized and the original idea was to move all of Public Works staff there, but it has been determined there is not enough room. An interim solution is to house the public works office staff in the Water Building.</p> <p>Vacating the Public Works Annex building is the first step in the Ash/Burnham intersection project and is critical to that intersection.</p> <p>Vacating the two-story public works building would make it available for other departments to use as storage, which would save the city \$25,000 annually in rented space. High density housing is ultimately planned for the operations yard site.</p> <p>City Manager Prosser noted that this project was taken out of the budget by the Budget Committee and there was discussion on the need for the project. There is no General Fund money; it was all placed in the Water, Sanitary Sewer and Storm Sewer Contingency Funds. He said that if this project is approved by Council, staff will come back with a budget amendment to transfer the money.</p> <p>Councilor Woodruff asked if there was a perceptual issue as we talk about reducing services yet are considering spending money on buildings. He said careful communication to the public was needed, noting that the money proposed for this project cannot be used for other things. He said that the Budget Committee minutes say it would be held off</p>	<p>Staff will prepare a budget amendment for Council consideration to proceed with a remodel of the Water Building.</p>

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	<p>in the contingency until further exploration.</p> <p>Councilor Harding said we need to be prudent with how we manage our budget if we want to be able to move forward with other kinds of things. She also noted that she attended the Washington County Coordinating Committee meeting yesterday where a study was presented by a firm that said the biggest issue citizens had county-wide was with the perception of accountability and money being spent inefficiently. She wanted Tigard to be a leader in credibility and accountability. She said until things are completed on the Task Force list, this project should be on the shelf.</p> <p>Councilor Sherwood asked if staff could move into the Water Building without a huge remodel. Mr. Rager said the HVAC system is an aging system and did not work properly for the staff previously in the building. The partitions proposed to be used are surplus from the Army Corps of Engineers so there are savings there. The computer and phone cabling needs to be upgraded according to IT staff. Interior wall work needs to be done to house more people.</p> <p>Mayor Dirksen asked if Mr. Rager was saying that the building needs to have some existing systems replaced whether more staff moves in or not. Mr. Rager said the HVAC system work would need to be done regardless and noted that it is a large part of the estimate.</p> <p>Councilor Wilson commented that the Annex building is actually an old house that is in poor condition and the land it's on is valuable. He said there's a point at which you pinch pennies and end up wasting dollars.</p> <p>City Manager Prosser said looking long term we don't want a Public Works yard in the center of our downtown.</p> <p>Mr. Rager said there is also the public perception to consider - the Water Building is underutilized, and the inefficiency in having Public Works staff spread among three buildings.</p>	

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	<p>City Manager Prosser said we will ultimately need more space for city staff overall and might consider a downtown office building in the future or look at a public safety campus near TVF&R. He said this Water Building remodel will help now with an immediate need. Councilor Harding asked if the entire remodel was really necessary and why we should do it in pieces as interim steps.</p> <p>Mayor Dirksen said he felt it is not money wasted down the road when all the little pieces move us in the right direction. The goal is to use the Water Building to its best ability and allow the City to vacate those other properties so those pieces of property can be put to their best use eventually. He said that before we talk about any new facilities we need to make sure we are using the ones that we've got efficiently. The Water Building is not being used efficiently. He said a lot of this money is going to repair systems that need to be replaced before the building can be used.</p> <p>Councilor Woodruff said he would feel comfortable explaining to the Budget Committee the decision to move ahead with the remodel. He noted the expenditure would not be from the General Fund and the remodel will add to our efficiency.</p> <p>City Manager Prosser said he will ask staff to get a budget amendment prepared to take to the Council.</p>	
<p>3. Discuss Revisions to the Tigard Municipal Code Incorporating a Right-of-Way Usage Fee</p>	<p>Right-of-Way Administrator Werner said staff previously discussed the right-of-way usage fee and other amendments to the Tigard Municipal Code with the Council. Staff has worked with the City Attorney and sent draft proposals for review by utilities. Staff has two issues they are seeking Council guidance on before they present final revisions in a few weeks.</p> <p>The first issue is eliminating the franchise requirement. The current Code anticipated that every utility would have a franchise agreement. She said this is still most desirable but they're trying to write a Code that will apply even when there is no</p>	<p>Staff will return with an ordinance for Council consideration on Right-of-Way usage fees.</p> <p>Council did not agree to any franchise fee percentages.</p>

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	<p>agreement, as several telephone companies have refused to sign franchise agreements. They're proposing three options for utilities that want to have utilities in our rights of way. 1) No franchise – they would be subject to the Code provisions and would have a right-of-way usage fee which would operate just like a franchise fee, 2) Standard franchise – basically the Municipal Code provisions in a contract form with no negotiations, and 3) A negotiated contract that clarifies terms that could be different from the Code. Utility company feedback suggested we need to make it clear that there can be a variance between language in an agreement and the Code.</p> <p>City Manager Prosser said that any franchise negotiated would come before the Council for approval. It will ultimately be Council's decision whether a variance is acceptable. It will also help with some issues, in particular with telecommunication companies trying to use the law to claim that they can't be forced into accepting certain terms in order to use the right of way. Ms. Werner said that the inflexibility of our current Code is potentially litigious. She said franchise agreements would be encouraged but it helps to have a system offering a choice.</p> <p>Councilor Wilson asked if other cities have a menu like this. Ms. Werner said other cities are in the same position as Tigard. Many have a separate code specifically for telecoms and then they have a franchise agreement which may or may not have the same terms as their code.</p> <p>In response to a question from Councilor Wilson, Ms. Werner said companies often want to negotiate relocation provisions, stipulating who pays when the utility has to relocate something. She also mentioned penalty payments if an audit shows a utility underpaid the City.</p> <p>City Manager Prosser noted that the existing Telecommunications Code states that if a company accepts our standard agreement, Council shall approve it by resolution and it is effective</p>	

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	<p>immediately. If they want more extensive changes – it can be done – but it comes to Council by ordinance, there can be an emergency clause and the process is more involved. Right-of-Way Administrator Werner said the suggested changes take what we have in the Telecom Code and apply it to all utilities. But there would also be a third option; that is, if you have nothing, the fallback is the Code. Mayor Dirksen said that we have the opportunity in the ordinance to negotiate a franchise, which gives us a chance to approach a franchisee before the renewal of their franchise and negotiate something above and beyond their normal franchise.</p> <p>The rate for the Right-of Way fee was also discussed. Ms. Werner said they considered setting it the same as the franchise fee so it is revenue neutral. You would only pay to the extent that you don't pay a franchise fee. Effectively no one would pay a right-of-way usage fee unless they don't have a franchise.</p> <p>She said that currently, PGE's franchise rate is 3.5% and Northwest Natural's is 5%. NW Natural counsel told staff that gas and electric utilities are competitors and PGE's lower rate gives them an advantage. She thought it was best to inform Council so they know this issue was raised and may come up again in the future. She said NW Natural was told that in a freely negotiated agreement they chose to go to 5%; PGE did not. She said the upside of going to 5% for the electric utility is additional revenue, which would be raised by \$246,000, and everyone would be on a "level playing field." Unfortunately, PGE would probably just pass this along to their customers and would be shown on their bill as some sort of municipal fee.</p> <p>Mayor Dirksen stressed that the Council's position on this was to do these changes one step at a time and make it revenue neutral. He said that at some point in the future, once we see how this goes, we may look at some kind of a balance or a change.</p> <p>Ms. Werner clarified that she just brought this up so Council would be aware, when they are considering</p>	

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Administrative Items	<p>the final amendments, NW Natural may have a representative there. She did not want Council to be blindsided. Mayor Dirksen said, "Our answer to them is that we may reconsider that at a future date but are choosing not to at this date. That would be my recommendation."</p> <p>In response to some questions from Councilor Harding, Mayor Dirksen said, "We are not changing any of those percentages." He reiterated that Council had previously decided that if a change was made, it would be revenue neutral.</p> <p>>Appointing a new member to the City Center Advisory Commission was discussed. Mayor Dirksen said he spoke with the two alternates to see if either of them was interested in being on the Commission. He recommended a Resolution appointing Mr. Alexander Craghead. City Manager Prosser said there would be a resolution on this added as a non-agenda item at tonight's meeting.</p> <p>> It was agreed that Councilors wanting to carpool to the Washington County Commissioners meeting will meet at City Hall at 5:30 p.m. on July 25.</p> <p>> Quello House Correspondence – City Manager Prosser said Community Development Director Coffee put together a memo that was in the Council's packet. A discussion on this will be rescheduled for the August 15 Workshop Meeting.</p> <p>> City Manager Prosser will let the TVF&R Board know that the Council did not want to attend a meeting separate from the luncheon.</p> <p>>City Manager Prosser asked for opinions on draft revisions to the agenda first page indicating how people can sign up to speak at Council meetings. Councilor Woodruff felt the changes did not go far enough to make it clear that not all items are open for public testimony. City Recorder Wheatley will work on the form. Councilor Harding mentioned that the problem at the July 11th Council meeting was that a map was not distributed until 9:30 p.m.</p>	

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	<p>May 30th Fifth Tuesday Update: There were some potential Code violations on not only the properties being complained about but also on property belonging to those that made the complaints. Community Development Director Coffee said they will be followed up on equally.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Harding mentioned she attended a Washington County Coordinating Committee meeting and will bring a report and her condensed notes regarding a Washington County traffic survey to the next Council meeting.</p> <p>City Manager Prosser announced that Tom Coffee is no longer the Interim Community Development Director but has accepted the position of Community Development Director.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>Mayor Dirksen asked if anyone objected to hearing Non-Agenda Item No. 9 between Agenda Items 4 and 5. There were no objections.</p>	
2. Citizen Communication	<p>Gretchen Buehner, 13249 SW 136th Place, Tigard, 97223. Mr. Buehner asked that Council consider how to provide access to businesses during downtown road construction. She said, "I'm very concerned about making sure that we don't do damage to our retail businesses...while improvements are being made on the street." She mentioned that over 30% of downtown Portland businesses along that route failed during construction of their transit mall. She is also</p>	

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	<p>concerned about utilities and said there should be some effort to have utilities get their portion of the work done in a timely and coordinated manner. She referenced the recent gas company work that necessitated tearing up Walnut Street after the road had been finished, adding months to the project and also reducing the life of the road. She asked if there was anything Council could do in terms of proposing interim ordinances as we structure these demonstration projects so early in the process, to make sure that utility work is done in a timely manner and within their timeframe.</p> <p>Councilor Sherwood said we should look at having things done similar to when Gaarde Street was being worked on, where areas were done at certain times so the whole street wasn't blocked.</p> <p>Ms. Buehner said, "The problem is that Gaarde is basically a residential street, as was Walnut. We're dealing with a very busy business street. Those businesses are largely dependent upon walk-in traffic and I don't want to see them fail." Councilor Sherwood said since they could figure out a way to keep Gaarde open they could probably find a way to keep these streets open. Ms. Buehner said she just didn't want a utility to cause a major problem and potentially cost a business their existence.</p> <p>Councilor Wilson said, "Those are really good points and we just passed our street opening moratorium so utilities will have to coordinate that work. I think it would be a good idea to have, in addition to liquidated damages if they go beyond the scope, incentives for finishing early." He said it would probably be a good idea, as soon as we know what the projects will look like, to start discussions with property owners and suggested, "using a little bit of urban renewal money, to assist businesses with advertising while construction is ongoing."</p> <p>Ms. Buehner also mentioned that there can be problems within large utilities in that the person you discuss plans with does not communicate very well with the entity in the company who is actually doing the construction.</p>	

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	<p>Mayor Dirksen said the City needs to be very sensitive when letting contracts and have language in them regarding local access. He said, "This street in particular is going to have a major impact. We have a fire station on this street and I'm pretty sure they're going to need to have access during construction so we definitely need to figure out a way to do that."</p> <p>Ralph Hughes, new Chamber of Commerce President spoke. He gave some personal background and noted he is an alternate on the City Center Advisory Commission. He said the Chamber's concept this year is "Buy Tigard First – use the Tigard Chamber of Commerce Directory to find people you want to do business with as use it as exclusively as you can." He recommends any business in Tigard become a Chamber member and get their name in the Directory as a way to get their name out to customers. He said he'd like the Chamber to become more politically active this year at the local, county and state level on issues affecting Tigard businesses. He mentioned the upcoming City elections and said he'd like to see interaction between the candidates and the Chamber members, so they can select who they want to vote for. He mentioned a tourism tax that was recently increased and said there will be discussions on promoting tourism in this area and said he is open for input. Councilor Sherwood noted that she received a notice that the Leadership Series is starting up soon. Mr. Hughes said the City gave a \$5,000 grant towards this series, which is a cooperative effort between the City and Chamber. He said anyone interested in attending should contact the Chamber at their TigardChamber.org website.</p> <p>Mayor Dirksen asked the audience if there was anyone who didn't get a chance to sign up to speak for Citizen Communication but would like to speak on an issue that isn't on the agenda tonight. There was none.</p>	

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(Deputy City Recorder's Note: There is no Agenda Item 3.)												
4. Consent Agenda	<p>Mayor Dirksen gave a brief summary of the Consent Agenda Items:</p> <p>4.1 – Approve Workers’ Compensation Volunteer Coverage through City County Insurance Services</p> <p>4.2 – Amend Insurance Agent of Record Contract extending from Three to Five-Year Contract</p> <p>4.3 – Local Contract Review Board: Reject bids for construction of Hall Blvd. /Wall Street Intersection Phase II and Library Parking Lot Expansion. City Manager Prosser mentioned that the City is rejecting the bid because we only got one and it was more than double the engineer’s estimate.</p> <p>Mayor Dirksen asked if any items needed to be removed from the consent agenda.</p> <p>Councilor Harding commented that Council should revisit the RFP process as this wasn’t the first time in the last few years only one bid was received. She expressed concerns about the publications chosen for the City’s RFP advertisements. She said that the media we choose to advertise in is one of the lowest read in the Portland area. Mayor Dirksen agreed that the City staff should make sure the word gets out.</p>	<p>Motion by Councilor Harding, seconded by Councilor Woodruff to approve the Consent Agenda.</p> <p>The motion passed with a unanimous vote of Council present:</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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9. Non-Agenda Item (Note: this item was heard out of order.)	<p>The Mayor announced that a Non-Agenda Item will be considered at this point - Appoint a City Center Advisory Committee Alternate to a Voting Position. He said there were two alternates, Alexander Craghead and Ralph Hughes. Alexander Craghead agreed to take this position.</p> <p><i>Resolution No. 06-44 – A Resolution Appointing a Member to the City Center Advisory Commission</i></p>	<p>Motion by Councilor Sherwood, seconded by Councilor Harding to approve Resolution No. 06-44.</p> <p>The motion passed with a unanimous vote of Council present:</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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<p>5. Initiate Planned Development Revisions Reviewed by the Planning Commission</p>	<p>Associate Planner Sean Farrelly gave the staff report. He said that on April 18, 2006 the Planned Development Code Review Committee came before the Council with their preliminary recommendations. At that time Council directed them to revisit and refine their proposed changes and come back to the Council in 90 days. The Committee met two additional times to incorporate feedback from Council, the City Attorney, Planning Commission and staff.</p> <p>He said the current revision was presented at the Planning Commission work session on June 19, 2006. One major change is that applying the overlay zone is not a separate section in the approval process. It will be done at the same time as approval of the detailed development plan.</p> <p>He also said the site analysis requirement has been deleted. The overall process is more streamlined than in previous recommendations. Mr. Farrelly said they are asking for direction from the Council on whether to proceed with preparation of an ordinance. He mentioned that some committee members were in the audience and staff was here as well to answer any questions.</p> <p>Councilor Woodruff asked if it represented a consensus of the group. Mr. Farrelly said it was a consensus of all the currently active members. Councilor Woodruff said they put together a diverse group and it was meaningful to him that everyone came together on this.</p> <p>Councilor Wilson said, "I think stream lining's a good move. Simple is good; it will be simple and effective."</p> <p>Mayor Dirksen stated that he thought there were some very innovative concepts and it would be interesting to see how they fare in public hearings. He wants to see what kind of concerns people have. He asked why the site analysis requirement was removed. Planning Manager Bewersdorff said they looked at the site analysis requirement and felt it just</p>	<p>After discussion Mayor Dirksen directed staff to prepare a draft ordinance and begin the public hearings process.</p>

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	<p>created more bureaucracy. He said there would be contour plans as well as other plans and that a site analysis wouldn't bring much to the process. Mayor Dirksen was concerned that citizens viewing this change in the ordinance might think a step is being taken out that would make sure the sensitive nature of a site is adequately addressed.</p> <p>Councilor Wilson noted that the site analysis requirement was not taken out of the existing code. It was added to and then taken out of the proposed new code. He said a site analysis is often done internally by the designer or architect and that staff acted wisely to remove this unnecessary step.</p> <p>Mayor Dirksen asked about the recommendation from the Planning Commission. He asked if they concur with the changes to the ordinance. He recognized a Planning Commission member in the audience and asked if she would be willing to comment on behalf of the other members.</p> <p>Planning Commission member Gretchen Buehner said, "I think that there was a really good general consensus and support for the recommendations that have been made." She said their current president is a planner who raised questions that helped them clean up and streamline the document. When the document came back to the Planning Commission all their questions had been addressed.</p> <p>Mayor Dirksen asked if there was a date when the public hearing would go before the Planning Commission. Mr. Bewersdorff said there was not a date set yet.</p> <p>Councilor Woodruff asked what the smallest size parcel was that could have a planned development on it. Mr. Farrelly said there was no limit.</p> <p>Councilor Harding thanked everyone on the committee for their work on this long process. She said it was sad that there is less land available now to consider than when they started this process a few years ago.</p>	

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	<p>Councilor Sherwood thanked the Commission for sticking with this project and for their work over the past two years.</p>	
<p>6. Comprehensive Plan Update: Citizen Issues and Values Summary</p>	<p>Community Development Director Coffee gave an introduction to this agenda item. He introduced Senior Planner St. Amand who presented information on the latest survey as well as other recent surveys, bringing that information all together. He noted that she also prepared some information and follow-up that Council requested regarding how other cities compare and how to interpret this information and go deeper into some questions.</p> <p>Senior Planner St. Amand reported that at the last Council meeting, when Community Attitude Survey results were presented, Council requested information regarding how Tigard measured up compared to other jurisdictions. She said they put together data and focused on four questions. Her PowerPoint presentation is on file in the City Recorder's Office. She said that when people are asked what they value most about their city, the number one answer indicates how many define their city. Tigard's top answers were location and atmosphere.</p> <p>She said the "Priority Future Issues" question shows a lot of common themes across the region. Together we are dealing with similar issues. For Tigard, our priority future issue is "traffic and congestion" which came up frequently. In addition, growth, schools and streets were mentioned. Senior Planner St. Amand said under the "Top Core City Services," the Library is first with Tigard residents. West Linn and Tigard are the only two cities listing libraries as the top service. Other areas that have their own fire protection services list that as number one. She said it is clear to people that TVF&R provides our fire service, not the City.</p> <p>One other question about "Key Issues" showed that in Tigard, public safety came up, showing that in</p>	<p>Senior Planner St. Amand advised that on the August 8, 2006 Council Meeting consent agenda there will be a Resolution officially designating the Planning Commission as the Comprehensive Plan Update Steering Committee.</p>

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	<p>general, people are concerned about health and welfare of their families and property.</p> <p>She said the best part of the survey was the "Overall Quality of Life" rating. Not all jurisdictions asked this, but of those that did, Lake Oswego was at the top with 8.6; Tigard came close at 7.8. Hillsboro had 7.0 and Gresham had 5.6. She said this provides a sense of where we have commonality with other jurisdictions and where we stand out as a city.</p> <p>Councilor Wilson asked if these were all scientific polls by these cities. Mr. Coffee said that they were.</p> <p>Councilor Harding mentioned that in a survey the County did, the fire department came up as the top rated "performer."</p> <p>Senior Planner St. Amand pointed out that there was a little different result for the question, "What are your Future Priority Issues?" than what staff originally sent out. She said the response initially noted in the report was traffic congestion as number one, and population and overcrowding as number four. But as they started working on the Issues and Values Summary, staff took a deeper look at the data and thought it did not make sense. In every other survey done in the last four years, growth was number two. They asked the consultants to reexamine the verbatim results to make sure they weren't micro-grouping the answers and obscuring what the issues were. Revised percentages place traffic congestion as first and growth as second, followed by street and road improvement and maintenance, and schools and school funding.</p> <p>Councilor Harding noted that from the Washington County survey, transportation was listed first, then schools, land use, housing, and jobs.</p> <p>Senior Planner St. Amand discussed the Issues and Values Summary which is a synthesis of survey results from 2002-2006. A copy of her presentation is on file in the City Recorder's Office.</p>	

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	<p>She said for community areas downtown, which is a major focus area for the City, issues that came up in the 2004 and 2005 surveys were appearance and transportation, particularly pedestrian access. Regarding values, downtown is very important to residents and is used regularly. In two surveys residents responded that they use the downtown area at least once a week. She said it was 60% of respondents who said that, which is a very high number.</p> <p>Senior Planner St. Amand said the reasons given why people value downtown were convenience, character, and the services that are available. They do feel that downtown is a vital and unique part of Tigard, important not only for the community, but also for the local economy. They value downtown as a gathering place for the community.</p> <p>She said, regarding natural resources, that this question was not specifically asked in many of the surveys that they looked at. When it <u>was</u> addressed it came out strongly. Only one survey ranked it as an issue. She wasn't sure what that meant – did it mean that people are currently satisfied with the options they have? She said they know it is a strong value. When people are asked how they feel about natural features and areas, it ranked very highly on both surveys. She said they consider it a major identity for Tigard and it also came up most strongly in its relationship to neighborhood livability and for downtown. She said this is where the Comprehensive Plan process will have to do more work in asking how we treat these areas. The words - preserve, respect and protect - have different meanings and connotations. She said they would need to be very clear about what these terms mean. For each of these words there is a financial component. There would be a priority, but also the question of the mode of action and how to make that happen.</p> <p>She said for public facilities questions, the main issues that came up were roads, effectiveness and maintenance, planning, recreation, public safety and</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>future costs. She said residents value the current level of service. The recent survey showed that people are quite satisfied with their current level of service. Library, police and parks are the top rated services. She said one thing to keep in mind when planning for future options is how to maintain current levels of service that work for existing residents and still move forward to the future.</p> <p>Schools and school funding ranked very highly as an issue. Senior Planner St. Amand said the current Tigard Comprehensive Plan does not address education or schools and the current work program they are working on today does not either, although it was included in the Tigard beyond Tomorrow process.</p> <p>She said "communication" as a topic was not identified through any scientific surveys but there was a volunteer survey from 2005 and the leadership group concluded that there was no one best way to communicate with our citizens. A multiple approach would be best and the City will be following that throughout the Comprehensive Plan Update process.</p> <p>Senior Planner St. Amand said that the key issue of the surveys is determining how Tigard will grow in the future. Does it mean limit growth or does it mean accommodate growth? And how will this choice affect available design solutions for the community or impact the community's values?</p> <p>Councilor Wilson thanked staff, saying this was the first time he'd seen everything analyzed together. He found it interesting that people liked the library before we built the new one.</p> <p>One thing Councilor Wilson felt needed more study was the issue of accommodating or discouraging growth. He said it seemed that there are different aspects to growth and they are controversial. He said increased density in neighborhoods always upsets people yet there is also the issue of commercial growth. He said people don't usually object to a new grocery store or something even</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>though more traffic comes with it and that's a hot button issue. He said it would be helpful to learn in more detail, what about growth upsets people.</p> <p>Councilor Woodruff said it would be interesting to determine whether "accommodate" means growth is grudgingly accepted because its here and we can't stop it – or if it means that we want to do it and we want to do it in the right way.</p> <p>Community Development Director Coffee said the latter approach is what's in the Tigard beyond Tomorrow document that says "accommodate growth while protecting natural resources."</p> <p>Mayor Dirksen said there was another survey done at the behest of Metro and the results were viewed by the Mayors and Chairs Forum. They asked some of the same questions about growth but in a different way such as, "Do you think that it's possible to curb growth or is it something that we just have to accept will happen?" And the consensus among people was that they were not particularly excited about growth but they acknowledged it's going to happen and we need to deal with it in a comprehensive way so we can regulate and control it - not necessarily stop it.</p> <p>Councilor Wilson said he was surprised that protecting trees did not rank among the top issues, yet it's always one of the "hot button" issues for every development that comes before the Council. He said perhaps people are lamenting the loss, but feeling like it's fair to allow people to do what they want to do.</p> <p>Community Development Director Coffee said the Planning Commission and the Code committees have been looking at tree protection and the Tree Code. The Tree Board is looking at the Code from a different perspective.</p> <p>Senior Planner St. Amand noted that in a 2004 Recreation Options Survey a very high percentage of respondents said they wanted to protect natural areas yet support for a bond measure to do exactly</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>that was significantly less than the majority. Councilor Woodruff asked what the next steps were. Community Development Director Coffee said the reason for bringing this information to the Planning Commission and Council was to summarize in one place what the community's been hearing for the past few years and more or less verify, with a statistically valid study, the visioning process that's been going on for several years. He said it would be the basis for drafting policies and alternative scenarios for growth and development of the City. He said that will form the basic draft plan that will be taken through the Planning Commission and out to the public. The workload will be managed by breaking it down into sections and dealing with one section at a time, bearing in mind that it will all have to relate and inevitable conflicts resolved.</p> <p>Senior Planner St. Amand said they are currently working on the State of the City 2006 report which essentially assesses the current conditions for each topic. They have been to the Planning Commission with the Environmental Quality topic and Natural Resources is next on the docket, followed by Community and Public Facilities. The reports should be done by the beginning of 2007.</p> <p>They are now sending out information to interested parties through an electronic news list, press releases and Cityscape articles to encourage people to participate by commenting through e-mail or attending meetings. Next year the focus will be on active decision making and looking at alternatives together and going out to the public and focusing on each topic.</p> <p>Mayor Dirksen gave commendations to Senior Planner St. Amand and said it was an excellent report and analysis of current and prior surveys compiled together. He said it was a valuable document that will be of use to the City in many ways.</p> <p>Community Development Director Coffee said that was the idea behind making the Comprehensive Plan more than just a land use document; it really is</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	a strategic plan for the City.	
<p>7. Status Report: Tualatin River Bike/Pedestrian Bridge Project</p>	<p>Engineer Gus Duenas said that Councilor Wilson asked about the Tualatin River Bike/Pedestrian Bridge at the June 13, 2006 Council meeting. He introduced Paul Hennon, Community Services Director from the City of Tualatin, who gave a PowerPoint presentation on the project.</p> <p>Mr. Hennon said the project is well underway. All materials are on site and available. He said the costs have been within the estimate and the change orders are within the project contingency. He noted that the project is expected to be completed either by the end of calendar year 2006, or January 2007. A Grand Opening next year will be coordinated between the three cities of Tigard, Tualatin and Durham.</p> <p>Mr. Hennon said one issue is an effluent reuse line from the Durham Sewage Treatment Plant to the Tualatin Country Club across the river. The pipeline would have to be lowered as it runs across the proposed path in Cook Park. The solution developed was to re-route the path from Cook Park's Butterfly Garden to the bridge, which avoids the additional cost of lowering the reuse pipeline. He said it was also a more elegant design. The path is a little longer now but additional concrete costs paid by Tigard will be reimbursed at the end of the project.</p> <p>The Path on the Tigard side will go under the railroad bridge. Safety fence will be installed to protect pedestrians from falling rocks. The bridge contract covers laying the path foundation. The City of Tigard will have to pave it.</p> <p>Mr. Duenas gave an overview of the realigned trail. He said the realignment requires a revised Cleanwater Services easement. It eliminates the needs for stairs. It is about 1400 lineal feet of trail. The bids were opened on July. Mr. Duenas noted that bids were advertised in the two places Tigard normally advertises – the Tigard Times, because the City is required to advertise locally, and the Daily Journal of Commerce, which is the paper read by all</p>	<p>Mr. Duenas said a contract and budget amendment will be coming to the Council on August 8, 2006. If a contract is approved, the project construction period would be August 28-October 13, 2006.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the contractors. Five bids were received ranging from \$99,540 to \$179,299. Staff recommends accepting the low bid. The available funds are \$92,800, down from the original \$97,000 because some design fees were made necessary by wetland delineation. \$120,000 is the amount needed for construction and there is a funding shortfall of \$27,200. Mr. Duenas discussed this with the City's Finance Department who has indicated there is sufficient funding in the contingency to award this. He also noted that Mr. Hennon said Tigard will receive some reimbursement at the end of the project.</p> <p>Councilor Woodruff asked Mr. Hennon what the amount of the refund at the end of the bridge project would be. Mr. Hennon "did not give a number but said, "It would cover that."</p> <p>Mayor Dirksen said he looked forward to the grand opening and being able to ride a bike across the bridge. The length of the trail was discussed and Mr. Hennon said a previously published map should be redone to indicate this new trail connection between Tualatin Community Park and Tigard's Cook Park. Ultimately, Mr. Hennon said, you would be able to go from Cook Park across this bridge, take the Tualatin River Greenway Trail over to the new Tualatin River National Wildlife Refuge.</p> <p>City Manager Prosser said the region's long range vision is to have a trail system that circles the entire region. So as each jurisdiction completes these segments that vision comes closer to reality.</p>	
8. Council Liaison Reports		
9. Non-Agenda Items	This item was considered between Items 4 and 5.	

Agenda Item	Discussion & Comments	Action Items (follow up)
10. Executive Session	Not held.	
11. Adjournment	Mayor Dirksen adjourned the Council Business Meeting.	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to adjourn the Council Meeting and convene the Local Contract Review Board Meeting</p> <p>The motion passed with a unanimous vote of Council present:</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
Local Contract Review Board	<p>1.1 The Local Contract Review Board was called to order by Chair Dirksen.</p> <p>1.2 Roll Call</p> <p>Local Contract Review Board Members Present: Chair Dirksen, Board Members Harding, Sherwood, Wilson, and Woodruff.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>2.Consider Awarding Contract for Design Services for Phase 3 (Burnham Street) of the Tigard Downtown Comprehensive Streetscape Project</p>	<p>City Engineer Duenas gave the staff report. He noted that on November 8, 2005, the LCRB awarded a contract to OTAK for Phase 1 design of the Tigard Downtown Comprehensive Streetscape Project. Phase 2 is for Commercial Street and Phase 3 is for Burnham Street. He said the original Request for Proposals included design services for all three phases. However, because the streetscape design was expected to determine the design elements to be included in Phases 2 and 3, the contract award for those two phases was withheld. He said the intention was to execute an additional contract for those phases once the design concepts were established and the scope for the next two projects was better defined.</p> <p>Mr. Duenas said they have now determined what Burnham Street will look like after working with the Streetscape Working Group, the City Center Advisory Commission and the Council. He said they want to get going on this project as soon as possible so they can meet the timeframe for constructing Burnham Street. There is also some right-of-way acquisition that needs to be defined.</p> <p>Mr. Duenas said staff and OTAK negotiated the cost for the basic design as well as some extra services to help with the bid phase and through the construction phase. He asked that Council approve a contract in the amount of \$463,525 with an additional contingency amount of \$46,353, for a total amount of \$509,878.</p> <p>Councilor Woodruff asked what assurances Mr. Duenas had that this was a competitive bid compared to what other bids were.</p> <p>Mr. Duenas said several firms submitted proposals in the RFP process. The initial proposal was based on not knowing the full scope of what Burnham Street would be. They didn't want to award the contract until they knew what the scope would be.</p> <p>Councilor Wilson asked what the price was for OTAK's original proposal. Mr. Duenas said it was \$315,000, but it was based on a loose and vague</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the OTAK contract</p> <p>The motion passed with a unanimous vote of Council present:</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

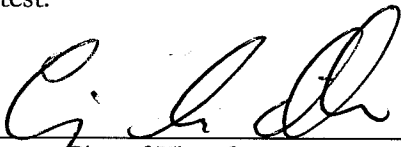
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>concept. He we needed to explore which Green Streets elements were going to be added. He said a basic design for this project, including underground utility and survey information was done about five years ago. This information had to be verified but was usable. This same information was available to all other firms submitting a proposal. He felt that OTAK's price was competitive. He noted that the more care taken in the design phase, the better the chances are that you'll get a good bid for the construction phase.</p> <p>Councilor Wilson said, "The proposed price is so high and I was thinking that by getting a better idea of what you're doing, the price might go down a little, rather than the opposite...I'm chagrined that that happened. I thought Green Streets were in the plan from the beginning and it's still not clear to me what would have caused it to go up, other than it being perhaps anti-competitive."</p> <p>Mr. Duenas said that one of the charges we had with OTAK was to see if the Green Streets elements were feasible. He said it wasn't certain at the time we went out for the RFP to what extent we could do Green Streets.</p> <p>Mayor Dirksen said, "I'm not sure what else we could do other than ask for a detailed breakdown of the bid and I'm considering asking for that before I give approval."</p> <p>Councilor Harding said she would concur.</p> <p>Councilor Woodruff said he had no problem with OTAK and thought they've been doing a great job. He said, "On a principle basis, when you're talking about this much money...public dollars... the way that we are obligated to do that generally is to have an open and competitive process and to evaluate bids that come in for a specific project that has specific deliverables and specific details determined. Without that, we're making judgments that this is the best bid for whatever reason. And it certainly may be. Maybe it's the best; I just don't know that."</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Mr. Duenas pointed out that in an RFP process, cost is only one consideration; it is based on qualifications also. He said one of the key items in the selection of OTAK was not only price but the capabilities of the firm and their availability to get the work done. They have staff ready to start right now.</p> <p>Councilor Sherwood said what they were asking for is a detailed breakdown of what everything will cost. Mr. Duenas said staff could provide that. Mayor Dirksen noted that if they ask to see it today their next opportunity to meet is August 8th. He asked Mr. Duenas what that would do to the schedule.</p> <p>OTAK Principal Dan Dawson spoke to the Council regarding the contract their proposed. He said it is time and materials contract whereby they've given an estimate of what they think it will cost but they will only charge for actual time spent. He also commented on bidding professional design services. He suggested that what the Council is really interested in is the total cost of the project. He said often times more money spent up front on good design can save money later on construction. He said as far as scheduling, there is a lot of construction going on right now and the first piece of this contract is for surveying. He said OTAK has their own survey staff ready to finish the final survey to get the right-of-way going.</p> <p>Councilor Wilson said, "I can vouch for the fact that people are busy right now and it's very likely that we could go out (for bid) again and not fare much better. You want to hit the construction window and hit the ground running in the spring."</p> <p>Mayor Dirksen said he wanted to see the City get value for taxpayers' dollars spent. He said Council has to rely on professionals, and staff in particular, to tell Council whether they are making the best decisions.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Adjournment	The Local Contract Review Board Meeting was adjourned at 9:45 p.m.	<p>Board Member Sherwood motioned to adjourn and Board Member Harding seconded. The motion passed with a unanimous vote of Council present:</p> <p>Chair Dirksen Yes Board Member Harding Yes Board Member Sherwood Yes Board Member Wilson Yes Board Member Woodruff Yes</p>


Carol A. Krager, Deputy City Recorder

Attest:



Mayor, City of Tigard

Date: August 15, 2006